

CITY OF FORT WORTH, TEXAS
CITY COUNCIL MEETING
TUESDAY, MAY 19, 2020

Present:

Mayor Betsy Price
Mayor Pro tem Jungus Jordan, District 6
Council Member Carlos Flores, District 2 (Video)
Council Member Brian Byrd, District 3 (Video)
Council Member Cary Moon, District 4
Council Member Gyna Bivens, District 5 (Video)
Council Member Dennis Shingleton, District 7
Council Member Kelly Allen Gray, District 8 (Video)
Council Member Ann Zadeh, District 9 (Video)

Staff Present:

David Cooke, City Manager
Sarah Fullenwider, City Attorney
Mary J. Kayser, City Secretary

CALL TO ORDER

With a quorum of the City Council Members present, Mayor Price called the regular session of the Fort Worth City Council to order at 10:03.m. on Tuesday, May 19, 2020, in the City Council Chamber of the Fort Worth City Hall, 200 Texas Street, Fort Worth, Texas.

INVOCATION - Pastor Ray Baldwin, Turning Point Church

The invocation was provided via conference call by Pastor Ray Baldwin, Turning Point Church.

PLEDGES OF ALLEGIANCE TO THE UNITED STATES AND THE STATE OF TEXAS

(State of Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.")

The Pledges of Allegiance to the United States of America and the State of Texas were recited.

CONSIDERATION OF MINUTES

Motion: Council Member Moon made a motion, seconded by Council Member Shingleton, that the minutes of the Special Called Meeting of March 21, 2020, and the Work Session and Regular Meeting of May 5, 2020, be approved. Motion 9-0.

1. [20-0767](#) Minutes - March 21, 2020 Special Called Meeting
2. [20-0544](#) Minutes - May 5, 2020 Work Session
3. [20-0545](#) Minutes - May 5, 2020 Regular Meeting

ITEMS TO BE WITHDRAWN FROM THE CONSENT AGENDA

City Manager Cooke requested that M&Cs 20-0338 and 20-0340 be removed from the Consent Agenda for individual consideration.

ITEMS TO BE CONTINUED OR WITHDRAWN BY STAFF

There were no items to be continued or withdrawn by staff.

CONSENT AGENDA

Motion: Council Member Shingleton made a motion, seconded by Council Member Moon, that the Consent Agenda be approved as amended. Motion passed 9-0.

A. General - Consent Items

1. [M&C 20-0328](#) Approve Allocation of \$58,000.00 of Unprogrammed Community Development Block Grant Funds for the Ash Crescent Neighborhood Summer Day Camp for Educational Enrichment Activities for Children by the United Community Centers, Inc., Emergency Shelter Services for Homeless Families at The Salvation Army, a Georgia Corporation, and for Social Services by the EnVision Center Program at the Martin Luther King Jr. Community Center, Authorize Substantial Amendment to the City's 2019-2020 Action Plan, Authorize the Substitution of Funding Years, and Authorize Execution of a Contract(s) and/or Amendments(s) (COUNCIL DISTRICTS 5 and 8)

Motion: Approved.

2. [M&C 20-0329](#) Authorize Allocation of \$45,000.00 of Deobligated Community Development Block Grant Funds to United Community Centers, Inc. for the Ash Crescent Neighborhood Summer Day Camp for Children and to AB Christian Learning Center for After School Tutoring and Freedom School Summer Reading, Authorize Substantial Amendment to the City's 2019-2020 Action Plan, Authorize the Substitution of Funding Years, and Authorize Execution of Related Contract Documents (COUNCIL DISTRICTS 5 and 8)

Motion: Approved.

3. [M&C 20-0341](#) Authorize Application for and Acceptance of, if Awarded, a Discretionary Grant from the Federal Aviation Administration in an Amount Up to \$7,000,000.00 for the Construction of Taxiway Papa at Fort Worth Alliance Airport and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)

Motion: Approved. Appropriation Ordinance No. 24208-05-2020

4. [M&C 20-0342](#) Authorize the Conveyance of a Perpetual Electrical Utility Easement on Property Located at DFW International Airport to Oncor Electric Delivery Company, LLC for the Construction and Continuous Maintenance of New Electric and Communication Lines (ALL COUNCIL DISTRICTS)

Mr. Kevin Haas, 2400 Aviation Drive, DFW Airport, Texas, completed a speaker card in support of M&C 20-0342 and was recognized by Mayor Price but did not wish to address Council.

Motion: Approved.

5. [M&C 20-0343](#) Adopt an Ordinance to Establish the Sewer Per Acre Charge in the Amount of \$434.13 Per Acre for the Wastewater Diversion from East of Eagle Mountain Lake Drainage Basin to Big Fossil Creek Drainage Basin Project and to Establish the Basin Boundaries, Pursuant to Chapter 35, Article III, Division 3, Sections 35-81 through 35-86 of the City Code (ETJ, COUNCIL DISTRICT 7)

Motion: Approved. Ordinance No. 24209-05-2020

6. [M&C 20-0348](#) Authorize Acceptance and Recording of Gift Deeds from the Fort Worth Zoological Association for the Children's Ranch and Petting Zoo Exhibit, Engineering Shop, and Food and Merchandise Warehouse Building at the Fort Worth Zoo (ALL COUNCIL DISTRICTS)

Motion: Approved.

B. Purchase of Equipment, Materials, and Services - Consent Items

1. [M&C 20-0264](#) Authorize the Execution of an Agreement with Bean Electrical, Inc. for Flood Warning and Miscellaneous Utility Services in an Annual Amount Up to \$134,825.00 and Authorize Four One-Year Renewal Terms for the Transportation & Public Works Department (ALL COUNCIL DISTRICTS)

Motion: Approved.

2. [M&C 20-0327](#) Authorize Execution of an Agreement with PDQ Temporaries Inc., for Temporary Field Staffing Services in an Annual Amount Up to \$500,000.00 and Authorize Four Annual Renewal Options and Increase Amounts of \$575,000.00 for the Third Renewal and \$661,250.00 for the Fourth Renewal (ALL COUNCIL DISTRICTS)

Motion: Approved.

C. Land - Consent Items

1. [M&C 20-0337](#) Authorize the Acquisition of a Fee Simple Interest for Right-of-Way for 0.0035 Acres of Land located at Lot 8, Block 1, the Vanzandt Hillside Addition from Museum Place Block B, LTD. in the Amount of \$7,550.00 and Pay Estimated Closing Costs up to \$1,450.00 for the 2014 Traffic Signals Year 4 Project (2018 Bond Program) (COUNCIL DISTRICT 7)

Property description: Lot 8, Block 1, Vanzandt Hillside Addition, Located at 3230 Camp Bowie Boulevard

Motion: Approved.

E. Award of Contract - Consent Items

1. [M&C 20-0325](#) Authorize the Execution of an Artwork Implementation Agreement with Kiboworks, Inc. for a Sculptural Installation Titled “Flight” Designed by Corson Studio LLC (Dan Corson, Artist) for the Hemphill Connector, Located between West Lancaster Avenue and West Vickery Avenue, 76102, in an Amount of \$658,846.00 for Fabrication, Delivery, Installation and Contingencies; and Adopt Appropriation Ordinance (COUNCIL DISTRICT 9)

Motion: Approved. Appropriation Ordinance No. 24210-05-2020

2. [M&C 20-0326](#) Authorize Execution of a Communications System Agreement with the Tarrant County 9-1-1 District for Participation in the City of Fort Worth's Two-Way Public Safety Radio System at No Cost to the City of Fort Worth (ALL COUNCIL DISTRICTS)

Motion: Approved.

3. [M&C 20-0331](#) Authorize Execution of Change Order No. 2 to City Secretary Contract No. 51534 with Westhill Construction Inc., in the Amount of \$224,850.00 for 2018 CIP Concrete Restoration Contract 4 Along Granbury Road from Belden Avenue to Dan Danciger Road and Wentworth Street from Pavement Change to Westhaven Drive for a Revised Contract Amount of \$1,938,300.00 and the Addition of 45 Calendar Days to the Project Schedule (2018 Bond Program) (COUNCIL DISTRICT 6)

Motion: Approved.

4. [M&C 20-0332](#) Authorize the Execution of Change Order No. 2 to the HMAC 2019-2 Surface Overlay contract with Advanced Paving Acquisition, Ltd. to Remove Seven Streets Due to Utility Conflicts and Replace with Three Streets of Comparable Size and Scope and Add 120 Calendar Days for the Project Schedule (COUNCIL DISTRICTS 2 and 9)

Motion: Approved.

5. [M&C 20-0336](#) Authorize Execution of Amendment No. 5 to City Secretary Contract No. 44649, an Engineering Agreement with Wade Trim, Inc., in the Amount of \$125,050.00 for Additional Engineering Services for the Westcliff Drainage Improvements Project, Thereby Revising the Total Contract Amount to \$2,186,271.00 (COUNCIL DISTRICTS 3 and 9)

Motion: Approved.

8. [M&C 20-0344](#) Authorize Execution of a Professional Services Agreement with GHD, Inc., in an Amount Not to Exceed \$396,879.00, for Development of a Strategic Asset Management Plan (ALL COUNCIL DISTRICTS)

Motion: Approved.

9. [M&C 20-0346](#) Authorize the Execution of Amendment No. 4 in the Amount of \$705,000.00 to an Engineering Agreement with CDM Smith, Inc. for the Village Creek Water Reclamation Facility Grit Facility & South Influent Pump Station Project, Authorize Execution of a Contract with Crescent Constructors, Inc. in the Amount of \$25,797,000.00 for the Village Creek Water Reclamation Facility Grit Facility & South Influent Pump Station Project and Provide for Project Costs, for a Project Total in the Amount of \$33,458,871.00, Adopt Resolution Expressing Official Intent to Reimburse Expenditures with Proceeds of Future Debt, and Adopt Appropriation Ordinance (COUNCIL DISTRICT 5)

Motion: Approved. Resolution No. 5231-05-2020 and Appropriation Ordinance No. 24211-05-2020

10. [M&C 20-0349](#) Authorize Execution of a Contract with Northstar Construction, LLC, in the Amount of \$1,867,855.00 for the Construction of the Riverside Community Park Phase I Improvements and Provide for Additional Project Cost and Contingencies in the Amount of \$383,050.00 for a Total Construction Cost of \$2,250,905.00, Update the Fiscal Year 2020-2024 Capital Improvement Plan and Adopt Appropriation Ordinance (2018 Bond Program) (COUNCIL DISTRICT 9)

Motion: Approved. Appropriation Ordinance No. 24212-05-2020

PRESENTATIONS BY THE CITY SECRETARY - CONSENT ITEMS

1. [20-0428](#) Notice of Claims for Alleged Damages and/or Injuries

End of Consent Agenda.

F. Award of Contract - Removed from Consent Agenda

6. [M&C 20-0338](#) Authorize Execution of Change Order No. 1 for the Reduction of \$248,976.00 to City Secretary Contract No. 51409 with Muckleroy & Falls Inc. for a Revised Contract Amount of \$9,568,423.00 for the New Como Community Center Located at Chamberlin Park, 4660 Horne Street (COUNCIL DISTRICT 3)

Motion: Council Member Byrd made a motion, seconded by Council Member Zadeh, that M&C 20-0338 be approved. Motion passed 9-0.

7. [M&C 20-0340](#) Adopt Uniform Emergency Medical Services Ordinance and Authorize Execution of the Restated Interlocal Cooperative Agreement for Ambulance Services by the Metropolitan Area Emergency Medical Services Authority d/b/a Medstar (ALL COUNCIL DISTRICTS)

Mr. Veer Vithalani, 5448 Huntly Drive, completed a comment card in support of M&C 20-0340.

Motion: Council Member Byrd made a motion, seconded by Council Member Shingleton, that M&C 20-0340 be approved and Ordinance No. 24213-05-2020 be adopted. Motion passed 9-0.

RESOLUTIONS

1. [20-0742](#) A Resolution of the City Council of the City of Fort Worth, Texas, Canceling the Regularly Scheduled City Council Work Session and City Council Meeting for June 9, 2020

Motion: Council Member Shingleton made a motion, seconded by Council Member Moon, that Resolution No. 5232-05-2020 be adopted. Motion passed 9-0.

2. [20-0763](#) A Resolution Appointing Person to the Board of Directors of Multipurpose Arena Fort Worth, a Texas Non-Profit Corporation

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Jordan, that Resolution No. 5233-05-2020 be adopted. Motion passed 9-0.

3. [20-0764](#) A Resolution Approving the “Save the Fort” Business Stabilization Grant Program and Execution of an Agreement with United Way of Tarrant County to Assist in Management of the Program

Motion: Council Member Bivens made a motion, seconded by Council Member Shingleton, that Resolution No. 5234-05-2020 be adopted as amended with the program name changed to "Preserve the Fort". Motion passed 8-1, Council Member Moon casting the dissenting vote.

4. [20-0765](#) A Resolution Notifying the Trustee of the Fort Worth Permanent Fund and the Chief Financial Officer of the City of Fort Worth that the Fort Worth City Council Intends to Consider and Vote on Amendments to the Trust Agreement for the Fort Worth Permanent Fund that Would Allow a One-Time Distribution of Corpus Totaling Up to Sixteen Million Dollars (\$16,000,000.00), Allocated Pro-Rata Across the Water and Sewer, General, and Park System Sub-Accounts

Motion: Mayor Pro tem Jordan made a motion, seconded by Council Member Moon, that Resolution No. 5235-05-2020 as corrected. Motion passed 9-0.

REPORT OF THE CITY MANAGER

F. Award of Contract

1. [M&C 20-0162](#) Authorize Execution of a Five-Year Tax Abatement Agreement with Beanida Garza for the Construction of a Single-Family Dwelling of Approximately 1,821-Square Feet and Having a Cost of at Least \$190,150.00 on Property Located at 2908 Sarah Jane Lane in the Glencrest Neighborhood and Neighborhood Empowerment Zone and Reinvestment Zone Area Six (COUNCIL DISTRICT 8) (Continued from a Previous Week)

Motion: Council Member Allen Gray made a motion, seconded by Council Member Bivens, that M&C 20-0162 be approved. Motion passed 9-0.

2. [M&C 20-0330](#) Approve a Substantial Amendment to the City's 2019-2020 Annual Action Plan for the Use of Federal Grant Funds in the Amount of \$6,810,056.00 to be Awarded by the U.S. Department of Housing and Urban Development from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Community Development Block Grant, Emergency Solutions Grant, and Housing Opportunities for Persons with AIDS Programs; Authorize Amendment to Citizen Participation Plan to Reduce Public Comment Period for CARES Act Related Activities from Thirty Days to Five Days; Authorize Execution of Related Contracts; Adopt Attached Appropriation Ordinance (ALL COUNCIL DISTRICTS)

Motion: Council Member Shingleton made a motion, seconded by Council Member Zadeh, that M&C 20-0330 be approved and Appropriation Ordinance No. 24214-05-2020 be adopted. Motion passed 9-0.

3. [M&C 20-0333](#) Adopt a Resolution Authorizing the Execution of Amendment No. 2 to a Local Project Advance Funding Agreement with the Texas Department of Transportation in the Approximate Amount of \$8,068,892.00, of which City Participation Is \$1,653,702.00, for the Construction of North Tarrant Parkway Bridge with a Turnaround Lane, Reconstruction of Harmon Road Bridge to Include Existing Frontage Roads and Ramps with US 287, Adopt Appropriation Ordinances, Authorize Payment to the Texas Department of Transportation in the Amount of \$1,653,702.00, and Update the Fiscal Year 2020-2024 Capital Improvement Plan (COUNCIL DISTRICTS 2 and 7)

Motion: Mayor Pro tem Jordan made a motion, seconded by Council Member Moon, that M&C 20-0297 be approved and Resolution No. 5236-05-2020 and Appropriation Ordinance Nos. 24215-05-2020 and 24216-05-2020 be adopted. Motion passed 9-0.

4. [M&C 20-0334](#) Authorize Execution of a Construction Manager at Risk Agreement with McCarthy Building Companies, Inc. for the Harmon Road Project, from US 81/287 to Golden Triangle Boulevard, with a Preconstruction Phase Fee in the Amount of \$95,000.00 and a Construction Phase Cost of Six and One-Half Percent (6.5%) of the Cost of Work within the Project Construction Budget of \$22,000,000.00; Authorize Execution of Amendment No. 2 to an Engineering Services Agreement with Kimley-Horn and Associates, Inc. in the Amount of \$425,000.00, for Additional Engineering Services for the Harmon Road Project, Increasing the Project Design Costs to \$2,820,000.00 (2018 Bond Program) (TIF 7) (COUNCIL DISTRICT 7)

Motion: Council Member Shingleton made a motion, seconded by Council Member Moon, that M&C 20-0334 be approved. Motion passed 9-0.

5. [M&C 20-0335](#) Adopt Appropriation Ordinance in the Amount of \$1,000,000.00 in the Transportation Impact Fee Capital Legacy Fund for North Riverside Drive Roadway Improvements and Update the FY 2020-2024 Capital Improvement Plan (2018 Bond Program) (COUNCIL DISTRICT 7)

Motion: Council Member Shingleton made a motion, seconded by Council Member Moon, that M&C 20-0335 be approved and Appropriation Ordinance No. 24217-05-2020 be adopted. Motion passed 9-0.

6. [M&C 20-0345](#) Authorize Execution of a Community Facilities Agreement with HT HWY 114 Development LP with City Participation in an Amount Not to Exceed \$5,911,959.00 for Oversizing Water Mains in the Vicinity West of FM 156 and Highway 114 to Serve Tradition Central Development and Anticipated Future Growth in North Fort Worth, Adopt Resolution Expressing Official Intent to Reimburse Expenditures with Proceeds of Future Debt, and Adopt Appropriation Ordinance (COUNCIL DISTRICT 7)

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Jordan, that M&C 20-0345 be approved and Resolution No. 5237-05-2020 and Appropriation Ordinance No. 24218-05-2020 be adopted. Motion passed 9-0.

7. [M&C 20-0347](#) Authorize Execution of a Second Amendment to a Management Services Agreement with the Botanical Research Institute of Texas, Inc. in the Amount of \$59,741.00 for Management of Garden Center Operations, Authorize Execution of a New Management Services Agreement with the Botanical Research Institute of Texas, Inc. in the Annual Amount of \$3,350,000.00 for Management of the Fort Worth Botanic Garden, Authorize Supplemental Management Fee in an Amount Not to Exceed \$1,355,000.00 for Phased Transition of Management Services, Authorize Payment of Amount Equivalent to up to 120 Hours Accrued Leave Per Employee in an Amount Not to Exceed \$203,952.10, Authorize Waiver of Construction-Related Permit Fees for Improvements Made by the Botanical Research Institute of Texas, Inc., and Find that Payments, Transfer of Vehicles, City Property, and Equipment, and Waiver of Fees Serve a Public Purpose (ALL COUNCIL DISTRICTS)

Assistant City Manager Dana Burghdoff appeared before Council via video conferencing and provided a staff report.

Motion: Council Member Shingleton made a motion, seconded by Mayor Pro tem Jordan, that M&C 20-047 be approved. Motion passed 8-1, Council Member Moon casting the dissenting vote.

ADJOURNMENT

There being no further business, Mayor Price adjourned the meeting at 10:25 a.m.